

# Exhibit 11

*State of California ex rel. Ven-A-Care of the Florida Keys, Inc.*  
*v. Abbott Laboratories, Inc., et al.*, Master Civil Action No. 01-12257-PBS,  
Subcategory Case No. 06-11337

**Exhibit to the December 21, 2009 Declaration of Sarah L. Reid in Support  
of Dey's Opposition to Plaintiffs' Motion for Partial Summary Judgment**

**ENDORSED**

APR 15 2003

Clerk of the Napa Superior Court  
By: L. WALKER  
Deputy

**Coudert Brothers LLP**

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Attorneys for Plaintiff  
Dey, L.P.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF NAPA**

DEY, L.P., a Delaware Limited Partnership,

Plaintiff,

vs.

FIRST DATABANK, INC., a Missouri  
corporation, d/b/a First DataBank and  
d/b/a PriceAlert; and  
WOLTERS KLUWER HEALTH, INC., a  
Delaware corporation, d/b/a Medi-Span and  
d/b/a Facts and Comparisons,

Defendants.

Case No. **26-21019**

**DECLARATION OF STEVEN  
DESROSIERS IN SUPPORT OF  
PLAINTIFF'S EX PARTE APPLICATION  
FOR A TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW CAUSE  
RE PRELIMINARY INJUNCTION**

Date: April 15, 2003

Time: 3:00 p.m.

Dept.: B

Complaint Filed: \_\_\_\_\_, 2003

Trial Date: N/A

I, Steven Desrosiers, declare under penalty of perjury under the laws of the State of  
California as follows:

1. I am a Senior Inside Sales Representative at Dey, L.P. ("Dey"), the plaintiff in the  
above-referenced action. As to the following facts, I know them to be true of my own

- 1 -

DECLARATION OF STEVE DESROSIER IN SUPPORT OF PLAINTIFF'S APPLICATION FOR TRO AND  
OSC RE PRELIMINARY INJUNCTION  
PALOALTO 4057851V1

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1 knowledge and, if required, could competently testify thereto. As to those matters stated on  
2 information and belief, I believe them to be true.

3 2. I have been employed, in various capacities, with Dey for 6 years.

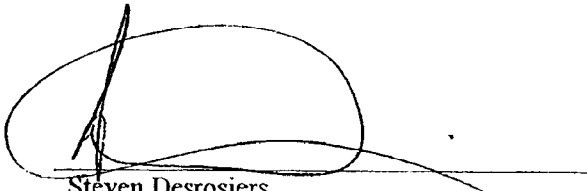
4 3. On Thursday, April 10, 2003, I received three phone calls from pharmacies that  
5 dispense Dey pharmaceuticals complaining of a reduction in Dey's Average Wholesale Price  
6 ("AWP") as published by First DataBank.

7 4. In the morning, I received a telephone call from a representative of Caremark, an  
8 online pharmacy that purchases a large volume of pharmaceuticals from Dey. I was informed  
9 that First DataBank had lowered Dey's AWP's for various products, including Ipratropium  
10 Bromide and Albuterol Sulfate.

11 5. Later that same day, I received a call from Greg Panka of the Black Hills Medical  
12 Pharmacy in Deadwood, South Dakota. Once again, I was informed that First DataBank had  
13 lowered the AWP's for Dey's products, which had come to Mr. Panka's attention when he filed  
14 for reimbursement for the cost of a Dey pharmaceutical.

15 6. Finally, I received a call from Steve Owen of Owen Healthcare in Abilene, Texas.  
16 Mr. Owen explained that if the newly published AWP figures were accurate, he would return his  
17 stock of Dey products and switch his business to a competitor.

18  
19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct and that this declaration was executed this 14 day of April 2003 at  
21 Napa, California.

22  
23  
24  
25   
26 Steven Desrosiers  
27  
28

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DECLARATION OF STEVE DESROSIER IN SUPPORT OF PLAINTIFF'S APPLICATION FOR TRO AND  
OSC RE PRELIMINARY INJUNCTION  
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